

January 11, 1999

Ms. Lilia Ledesma  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR99-0061



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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JOHN CORNYN  
Attorney General

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P.O. Box 12548  
Austin, Texas  
78711-2548  
  
(512) 463-2100  
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Dear Ms. Ledesma:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121185.

The McAllen Police Department (the "department") received an open records request for three particular arrest reports. You state that the department has released the categories of information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). You contend, however, that one of the requested reports is excepted from required public disclosure pursuant to section 552.108 of the Government Code.<sup>1</sup>

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you have informed us that the records at issue pertain to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the information at issue could interfere with law enforcement. The department therefore may withhold the information at issue at this time pursuant to section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at

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<sup>1</sup>Because you have not submitted the remaining two arrest reports to this office for review, we assume the department has released these reports to the requestor. If it has not, it must do so at this time. See Gov't Code §§ 552.301, .302.

issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/RWP/nc

Ref.: ID# 121105

Enclosures: Submitted documents

cc: Mr. Eduardo M. Alvarez  
Law Office of Oscar Alvarez  
201 S. 10<sup>th</sup> Street #5  
McAllen, Texas 78501  
(w/o enclosures)